

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ACHATES REFERENCE PUBLISHING, INC.,

Plaintiff,

v.

SYMANTEC CORPORATION;
GLOBALSCAPE INC.; STARDOCK SYSTEMS
INC.; ELECTRONIC ARTS, INC.;
QUICKOFFICE, INC.; SOLARWINDS INC.; and
APPLE INC.,

Defendants.

C.A. No. 2:11-cv-294-JRG-RSP

**DEFENDANT GLOBALSCAPE INC.'S RESPONSE TO ACHATES REFERENCE
PUBLISHING INC.'S MOTION TO STAY PENDING
INTER PARTES REVIEW [DKT NO. 371]**

Defendant GlobalSCAPE Inc. (“GlobalSCAPE”) submits this response pursuant to the Court’s April 5, 2013 Order (Dkt. No. 375). In particular, the Court requested that each defendant indicate whether or not they “(1) agree[] to be held to the same estoppel as will apply against Apple resulting from the *inter partes* review, and (2) agree[] that the estoppel will apply as soon as the PTO issues an appealable determination.”

GlobalSCAPE did not participate in the preparation of or the decision to file the petition for *inter partes* review (“IPR”) of the patents-in-suit filed by Apple and did not receive notice of the petitions until Apple had filed them. Accordingly, GlobalSCAPE will not agree to be held to the same estoppel as will apply against Apple resulting from the *inter partes* review. Since GlobalSCAPE does not agree to be bound by the same estoppel as may apply to Apple resulting from the IPR proceedings, GlobalSCAPE takes no position as to whether the estoppel to parties agreeing to be so bound would apply as soon as the USPTO issues an appealable determination.

Respectfully submitted,

JACKSON WALKER L.L.P.

/s/ Matthew C. Acosta

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**ATTORNEYS FOR DEFENDANT
GLOBALSCAPE INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this 10th day of April, 2012. Any other counsel of record will be served by facsimile transmission and/or first class mail.

/s/ Matthew C. Acosta

Matthew C. Acosta